

One of the darkest places on earth today is the war-torn Darfur region of Sudan, where at least 200,000 people have been killed and 3 million rendered homeless since 2003.

Award-winning U.S. reporter Paul Salopek was simply trying to illuminate the situation there when he was detained earlier this month, jailed and accused of espionage and writing "false news."

Looking for the truth in places such as Darfur, where truth is in short supply and needed so much, is a dangerous business. From 2001 through '05, 202 journalists were killed on duty, up from 136 in the prior five years, according to the Committee to Protect Journalists.

If it weren't for reporters like Salopek, the world would know little more than the twisted stories put out by the Sudanese government about the genocide in Darfur. His arrest is just one more of Sudan's increasingly shameless efforts to keep outsiders from reporting on—or doing something to end—the killings and mass rapes. Those government efforts range from shutting down many aid operations to refusing to accept a force of United Nations peacekeepers.

Similar attempts to bottle up truth or use journalists as pawns are common:

In China, Zhao Yan, a Chinese researcher for The New York Times, was jailed in 2004 on charges of leaking state secrets. He was acquitted of those charges last week but sentenced to three years in prison on an unrelated charge. Times executive editor Bill Keller said the only thing Zhao "committed is journalism."

In the Middle East, U.S. journalists have become targets. Two Fox News journalists were snatched by militants in Gaza and held for two harrowing weeks before their release Sunday. Their concern? That the incident would deter others: "I hope that this never scares a single journalist away from coming to Gaza to cover the story," said reporter Steve Centanni after his release.

Given the risks, even the severest press critic would concede that reporters' willingness to venture into the deepest caves is a courageous public service.

That's all that Salopek was doing. A Chicago Tribune reporter on a freelance assignment for National Geographic, he sneaked across the Sudanese border from Chad without a visa. For reporters, that's about the only way to get in. Usually when they are caught, they are deported.

This time, Sudan apparently chose to make a point. It did—that its claims about Darfur are not credible. The State Department and others are pressing Sudan to set Salopek free.

Salopek is anything but a spy. He is a veteran reporter who has won journalism's highest honor twice. And, unfortunately, he is the latest victim of those who seek to keep the public in the dark.

Mr. SPECTER. Madam President, I ask unanimous consent that my prepared written remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER
THE SITUATION IN DARFUR, SUDAN

Mr. President, I seek recognition today to call attention to the continuing crisis in Darfur, Sudan. Tensions are not new to this drought plagued region where Arabic nomads and African farmers have long competed for land and resources. However, the current crisis began in February 2003 when two non-Arab Darfur rebel groups, the Sudan Liberation Army and the Justice and Equality Movement, rose up against Sudan's Arab

dominated government, demanding the same resource and power-sharing concessions being offered to rebels in southern Sudan who were then engaged in peace talks to end a separate conflict with the Government in Khartoum.

The response from the Government of Sudan was swift and brutal. An estimated 200,000 Sudanese refugees fled to neighboring Chad telling of a scorched earth campaign being carried out by armed militias, known as the Janjaweed, supported by the Government of Sudan. While the Government bombarded villages from the air, militias followed on the ground murdering men and children, raping and branding women, and pillaging and burning homes.

The House and Senate declared the atrocities in Darfur "genocide" in July 2004. Former Secretary of State Colin Powell, in remarks before the Senate Foreign Relations Committee on September 9, 2004, stated that, "genocide has been committed in Darfur and the Government of Sudan and the Janjaweed bear responsibility." Further, the International Commission of Inquiry on Darfur, in its January 25, 2005 report to Secretary General Kofi Annan, found that, "the Government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law."

Today, the situation in Sudan represents the worst humanitarian crisis facing the world. Since the start of the conflict, the United Nations High Commissioner for Refugees estimates that 350,000 people have died in the region as a result of violence, disease or starvation. In addition, according to the United States Agency for International Development, the crisis has resulted in 1.8 million people displaced from their homes and dependent on aid agencies for survival.

Due to continued pressure by the U.S. Government, in particular the efforts of former Deputy Secretary of State Robert Zoellick, the government of Sudan and the strongest faction of the Sudanese Liberation Army signed the Darfur Peace Agreement on May 4, 2006. Under the terms of the Darfur Peace Agreement, the Janjaweed militias are to be disarmed, rebel fighters are to be integrated into Sudan's national forces or provided with the support necessary to assist their return to civilian life, measures are to be implemented to increase security for displaced persons and refugees, power and wealth sharing mechanisms are to be established at the national and local levels, and the Sudanese government is to provide Darfur with robust reconstruction assistance amounting to \$700 million.

Unfortunately, the Justice and Equality Movement and a smaller rebel group formerly part of the Sudan Liberation Army did not sign the agreement, the Janjaweed has not been disarmed and violence persists resulting in the continued deterioration of the humanitarian and security situation.

I believe the Darfur Peace Agreement and deployment of a United Nations force are important steps towards ending the crisis in Darfur. I applaud U.S. efforts to mobilize international support for the deployment of a U.N. peacekeeping force to replace the African Union force currently in the region. The African Union has a 7,500 peacekeeping force deployed in Darfur. However, The African Union force is slow, poorly equipped and too small. Moreover, this force is quickly running out of funding and has a limited mandate that allows it to monitor but not enforce the cease-fire agreement.

On September 1, 2006 the U.N. Security Council approved a resolution authorizing the deployment of a U.N. military force of up to 17,300 members and a civilian police force

of 3,300 with a Chapter VII mandate authorizing the use of force to protect civilians, relief workers and U.N. workers. Regrettably, the Government of Sudan has refused to accept a U.N. deployment. In a statement reported by the New York Times on August 22, 2006, Sudan's President, Omar Hassan al-Bashir, seemed to suggest he would resist such a deployment with force when he stated Sudan would "defeat any forces entering the country just as Hezbollah has defeated the Israeli forces."

On August 31, 2006, I attended a rally at the Trinity Cathedral in Pittsburgh, Pennsylvania sponsored by the Pittsburgh Darfur Emergency Coalition to call attention to the crisis in Darfur. The following day, I wrote to President Bush urging he appoint a Special Envoy to Sudan. With so many lives hanging in the balance, it is vital that the U.S. demonstrate its commitment at the highest level to resolving the Darfur crisis. I believe the appointment of a Special Envoy, charged to proactively work with all parties to fully implement the Darfur Peace Agreement and secure the deployment of a U.N. force represents the best prospect for avoiding further catastrophe in Darfur.

The crisis in Darfur can not be ignored. The international community must be allowed to take action before the situation deteriorates further. I urge the Administration to appoint a Special Envoy to Sudan to work with all parties to bring an end to the crisis, and urge the Government of Sudan to allow the deployment of a U.N. force.

I yield the floor.

Mr. SPECTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, before proceeding to the nomination of Kimberly Ann Moore to be U.S. circuit judge for the Federal Circuit, I ask unanimous consent that I may proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Madam President, at the conclusion of these brief remarks, I ask unanimous consent that a full text of my report on foreign travel be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. SPECTER. Madam President, as is my custom, when I return from foreign travel, I file a report with the Senate.

From August 5 to August 24, I traveled abroad. I started with a delegation led by Senator TED STEVENS and Senator DAN INOUE to China where eight U.S. Senators participated in a forum with Parliamentarians from China. We discussed a broad range of issues, with the Chinese delegation being very forceful on their concern about the one-nation policy, that Taiwan not be

regarded as an independent nation. We had extensive discussions about the economic imbalance which exists in trade, on the manipulation by the Government of China of its currency, and on the issue of human rights.

I raised with the Chinese officials the issue of human rights starting with the incident in 1999 where the Dickinson law librarian in Pennsylvania was kept in custody for some 7 months without being able to see a lawyer, and without being able to see his wife.

Following that, an appropriation was made for approximately \$2 million in each of the past several years for Temple University to establish in Beijing a law school to teach human rights, with a focus on Chinese judges, Chinese professors, and Chinese lawyers.

During the trip to Beijing, I met with almost 50 of the students at the school—some judges, some lawyers, and some academics—where there was a concern to understand due process of law. I was pleased to hear some reports that there has been an improvement in some situations on filing charges, on the access of counsel. I believe the school of law established by Temple University in Beijing is very useful. But I think, realistically, they have a very long way to go.

From China, I then set out to Nepal, visited Katmandu, and spoke to the Prime Minister, who has had a very difficult time. There was a great deal of unrest in the country following the King's taking power from the elected government. Following strong public resistance and marches, the King stepped down. Seven political parties are trying to go through the formation of a new government.

They are being challenged by malice, with an overriding concern about the possibility of violence there.

I discussed a major situation where there are more than 100,000 refugees in Nepal originating from neighboring Bhutan. I traveled next to Bhutan, which is a remarkable country situated between Nepal and Tibet. James Hilton's famous book, "Lost Horizon," locates the idyllic spot, Shangri-La, with fantasy, in Bhutan or in Tibet.

Bhutan is a country of about 700,000 people. It was totally isolated until 1950 when the King invited in foreigners. It was said that up until that time they lived in a medieval state. Now there is a King, 51—very progressive, who has not waited for popular unrest to oust him. But they are moving ahead with the formation of a constitution—and a very unique constitution where they are concerned about the gross national happiness product as opposed to the gross domestic product.

I had a lengthy discussion with the King about setting up a constitution where the monarch must step aside at the age of 68. Bhutan is being modernized.

The road from the airport city to the main city, Thimpu, is 60 kilometers of treacherous highway road. But it is a remarkable country.

There I talked to the Chief Justice of Bhutan. I talked to him about the formation of their constitution as I had done in Nepal. The issue of a constitution is one which is spreading around the world, with considerable modeling after the Constitution of the United States which was, as we know, the first complete written constitution.

From Bhutan, I then traveled to Kuwait. I met with the Emir of Kuwait and with the Prime Minister and had extensive discussions about the concerns of the nuclear activities in neighboring Iran. We spent just an overnight there and then on to Israel. Regrettably, we had to make a stop in Cyprus. The rules are, if you come from an Arab country you can't fly directly to Israel, just as we cannot fly directly from Israel to Libya. But we had to make a stop in Cyprus, and coming from Kuwait, we had to make a stop in Amman, Jordan, before going on to Israel.

In Israel, we met with Prime Minister Olmert and with Defense Minister Perez. We reviewed the situation and our findings there are set out more extensively in the written report.

From Israel, we traveled on to Libya and saw a remarkable transformation of Libya and Libya's leader, Colonel Qadhafi. I think there has been a historic rehabilitation of the nation of Libya and the leader, Colonel Qadhafi, where they have moved from being the world's leading terrorist state in very heavy competition, at least at the time they blew up Pan Am flight 103 back in 1988 and blew up the German discotheque killing U.S. soldiers and wounding many more.

We had an opportunity to meet Colonel Qadhafi. We took a plane flight from Tripoli for a couple of hours, moved on to the middle of the desert, met with him in his tent, and had a discussion with him looking for some guidance as to how a major world terrorist could rehabilitate, pay compensation, as to whether there could be any insight as to what we might do with North Korea and Iran today.

Regrettably, those problems are beyond anyone's solution, but the rehabilitation of Libya and Qadhafi showed that there is some hope to turn major terrorists into a rehabilitated situation.

We then flew overnight to China and returned to the United States. As I said, the details are set forth in the extensive written report which follows the conclusion of these extemporaneous comments.

EXHIBIT 1

STATEMENT OF ARLEN SPECTER REPORT ON FOREIGN TRAVEL

Mr. President, I have sought recognition to report on foreign travel, as is my custom, from August 5 to August 24, 2006. On August 5, I joined a delegation led by Senator Ted Stevens which departed from Andrews Air Force Base at 11:00 a.m. en route to Guilin, China, via Beijing to participate in the United States-China interparliamentary conference. Senator Stevens is the Chairman of

that conference and Senator Daniel Inouye is the co-chairman. Senator Patty Murray and Senator Norm Coleman serve as vice-chairmen. In addition, the delegation consisted of Senator Thad Cochran, Senator Mark Dayton, Senator Lamar Alexander and Senator Richard Burr.

Our first stop was Anchorage, Alaska where we landed at Elmendorf Air Force Base after a flight of 7 hours. After dinner and overnighting at the Captain Cook Hotel, we departed for Beijing the next morning, August 6, at 9:00 a.m. We passed the international date line and arrived in Beijing at about 9:00 a.m. Beijing time on Tuesday, August 7. We then flew an additional 3 hours to Guilin where the conference was held. Most of us decided to stay up for the balance of the day although we had already been up some 24 hours to try to get on our regular body clock schedule. Joan and I took a long walk, visited the town, had an early dinner, and retired. It is always difficult to get much sleep on the first night, but we awoke somewhat refreshed.

On the morning of Tuesday, August 8, we took a trip on the Li River hosted by the interparliamentary group's Chairman, Sheng Hauren. It was a magnificent boat trip. The area is heralded as one of the China's most extraordinary scenic spots. With lunch being served onboard, it provided an opportunity for extensive informal discussion with our Chinese hosts.

Chairman Sheng Hauren was a charming host in his mid-60s with a full head of gray hair, portly, with a perpetual smile and an easygoing disposition. I told him of my special interest in human rights in China arising out of an incident where a librarian from Dickinson College, Mr. Yongyi Song, was detained by Chinese officials in 1999. Mr. Song was born in China and immigrated to the United States where he was about to fulfill his requirements for citizenship when he returned to China for research. He was arrested, held for 7 months without an opportunity to see counsel or even his wife. No charges were brought against him and no hearing had been set when it was called to my attention.

I filed a Senate resolution reciting the facts, condemning the process which lacked even the fundamentals of due process of law and urged his release. Shortly after filing the petition, I was summoned by the Chinese Ambassador to the United States to meet with him. It was a testy meeting with the Ambassador beginning by challenging me for meddling in internal Chinese affairs. I responded politely but forcefully that it was hardly meddling in Chinese internal affairs when they detained a Pennsylvanian under the circumstances noted without any basic rights. I emphasized that I had great respect for China, a powerful country of 1 billion, 250 million people at which point I was interrupted by the Ambassador who said: "please Senator, 1 billion, 300 million people." From the time I had last checked the Chinese statistics they had gained about 50 million people, about the population of France. We continued to discuss the matter when the Ambassador notified me that Mr. Song was about to be released and would be arriving by air in Philadelphia in a few days.

I told Chairman Sheng Hauren about this incident as a primer to discussing with him the action taken as a result of the detention of Mr. Song. I introduced legislation to appropriate approximately 2 million dollars to establish a branch of the Temple Law School in Beijing to teach judges, prosecutors, academics and students the fundamentals of due process of law. Chairman Sheng Hauren listened politely and said, of course, that he knew nothing about the specifics of the case I cited. He said that with the developing

country in China and the need for civil order there were occasions where arrests were made which might seem extreme to foreigners. I did not press the matter further, but I already made my point about being concerned about human rights and the rights of detainees in China.

I asked Chairman Sheng Huaren about the relative authority of the Chinese courts compared to the Executive Branch or the National People's Congress. Chairman Sheng Huaren replied that after the Supreme Court of China had ruled, their decisions could be overturned by National People's Congress. I replied that it was exactly the opposite in the United States where the Supreme Court had the final word in deciding the constitutionality of congressional enactments and the Supreme Court had the authority to overrule the President's exercise of executive power as the court has recently done in the celebrated case of *Hamdan v. Rumsfeld* when the Supreme Court ruled the President did not have the authority to set the rules of the trials of war criminals.

I asked Chairman Sheng Huaren why there had been so much more economic development in China contrasted with India which had a population almost as large, one billion compared to 1.3 billion, and the government of India had the benefit of democratic institutions which would have been expected to produce more individual initiatives. Chairman Sheng Huaren replied that China had enjoyed greater success because of China's planning and the diversification of ownership. He pointed out that early on in China, employees had an interest in ownership. He noted that there had been planning between urban and rural areas with special attention being devoted to agriculture as the primary industry with secondary attention to manufacturing and beyond that the service industry. The Chairman emphasized that there had been a special effort made in China to achieve a harmonious social society which promoted productivity and economic advancement.

The boat ride ended mid-afternoon and we docked at a nearby town where shopping was available and then drove back to Guilin. The Chairman hosted a dinner that evening in a magnificent dining hall which was part of the large conference center. The full delegation and spouses and staff were present with almost 100 people in attendance for the customary Chinese eight course dinner.

The next morning, the delegates arrived for the traditional photo session with the two hour morning program beginning at 9:30 AM. The topics which had been agreed upon were bilateral relations and trade and investment. After a break for lunch, again sumptuous, the afternoon session began at 2:00 PM and ran until approximately 4:00 PM with international security and energy as the topics.

The tone of the meeting was very cordial. Senator INOUE drew a laugh when he said it was better to talk than to shoot. Chairman Sheng Huaren got down to business promptly raising the issue of Taiwan which is very much on the minds of the Chinese. Chairman Sheng Huaren stated that he appreciated the reiteration of our one China policy and China was totally opposed to unilateral action meaning any effort by Taiwan to break away from China.

At one point in the conference, Senator STEVENS reiterated that the United States stood behind the one China policy and added, prefacing his remarks that it was intended to be in the friendly constructive spirit, that the Chinese were preoccupied with the one China issue. Senator STEVENS noted China was soon to play host to the 2008 Olympics which has the promise to be the greatest Olympics ever and that event should not be

marred or spoiled by any military action between China and Taiwan. The Chinese delegation appeared to take the comments in good spirit and gave no specific reply.

Senator STEVENS said that the 21st century should be the century of the Pacific and noted that the United States was proposing an interparliamentary meeting with Japan and that if that took root as the U.S.-Chinese group had, that they might look forward to having the three major powers, the U.S., China and Japan, join together to discuss the issues of the Pacific. Senator STEVENS pointed to the damage to plant life and the threat to extinguishing species of fishes and the air control over the Pacific and the problems generally with the water supply. The Chinese delegates emphasized the enormous need for economic development in China with its expanding population and the need to create millions of jobs each year.

On the morning of August 11th, I broke from the delegation to speak to a group of students, lawyers and judges at Tsinghua University outside Beijing. The Yongyi Song case in 1999 illustrated the lack of a transparent and fair legal system in China. Since 2000, I worked to advance the rule of law in China through Temple University's Rule of Law program at Tsinghua Law School and approximately \$2 million has been secured annually for the program. During a prior visit to China in 2001, I suggested to Premier Zhu Rong-ji that the Chinese government work with Temple's program to develop an agreement with the U.S. dealing with due process rights for detained American citizens. That is still a work in progress.

Upon arrival at Tsinghua, I was met by Temple professor John Snagoola who provided an update on the program. Temple has educated 612 legal professionals of whom 494 were from the public sector including 184 judges, 107 prosecutors, 59 government officials, 97 law professors and 47 NGO legal staff.

I was received in the law school's lecture hall by 48 students and a panel of eight professors. I spoke to the students about a wide variety of judicial and constitutional issues being debated in the United States including the detention facility at Guantanamo Bay and the NSA wiretapping program. I explained to the students the importance of the rule of law in American society and that no man is above the law. I highlighted the benefits of a system where the accused have the right to counsel, to a trial and to know why they are being detained.

I elaborated on the role of the courts as the final arbiter and that neither the Congress nor the President could overrule the courts. In contrast, the National People's Congress of China supersedes any decision made by the courts. The hour-long session provided ample time for dialogue with the students. They asked a variety of questions with special attention to civil liberties, national security, medical care for women, same sex marriage and the war in Iraq.

I ask unanimous consent that the Special Report on Temple Students compiled by the Beasley School of Law and letters supporting the program be included in the record.

I rejoined the delegation later that afternoon for a meeting with Wu Bangguo, Chairman of the National People's Congress, at the Great Hall of the People. Our conversations included a wide range of issues including national security, weapons proliferation and trade. Following the meeting, Chairman Wu hosted a banquet for all members of the delegation at the Great Hall of the People.

On August 12th, the delegation returned to the Great Hall of the People for a meeting with President Hu Jintao. Many of the issues raised during the visit were discussed during the meeting. I specifically pressed President

Hu about arms transfers to Iran and China's efforts to ensure they are not being transferred to third parties. I did not receive a sufficient response.

While my colleagues returned to the United States on August 12th, I traveled on to Kathmandu, Nepal. Prior to departing from Beijing, I was joined by my aide Christopher Bradish, Lieutenant Colonel Donald Walker, United States Army, and Dr. Ron Smith, United States Navy.

NEPAL

From Beijing, I traveled to Kathmandu, Nepal where I was met by Ambassador Bill Moriarty who provided me with insight into Nepal's political situation and its struggle for democracy. In June 2001 ten members of the royal family, including King Birendra, were killed in an assassination-suicide, reportedly carried out by Crown Prince Dipendra. The murdered king's younger brother, Gyanendra, now occupies the throne. Nepal's recent history has been characterized by a power struggle between the monarchy, political parties, and a Maoist insurgency.

In 1990, following a democratization movement, Nepal became a parliamentary democracy under a constitutional monarch. In a reversal of the longer-term trend towards a democratic constitutional monarchy, on February 1, 2005, King Gyanendra declared a state of emergency, assumed full powers, suspended civil liberties, and placed opposition leaders under arrest. The King explained his move as necessary, because of the elected government's inability to put down the Maoist insurgency. However, most analysts saw the move as an attempt to also assert control over the country's democratic elements.

In response to the King's actions, Nepal's seven main political parties announced they would work together to reform the constitution, reinstate parliament, and limit the powers of the king. Mutual rejection of the King's power grab also led the parties to seek rapprochement with the Maoist insurgents. In April 2006, popular anger at the King's abuse of power resulted in three weeks of massive demonstrations across the country and broad public support for a nationwide general strike called by the coalition of political parties, and backed by the Maoists.

After unsuccessfully attempting to forcefully suppress the demonstrations, the King announced the reinstatement of Parliament on April 26, 2006. The Parliament has since taken action to strip the King of his political and military powers, reciprocated a Maoist cease-fire, and released hundreds of guerrillas, including some of their top leaders, from jail. In talks with the Maoists, the Parliament has also agreed to the writing of an interim constitution, to the formation of an interim government, and to hold new elections.

In February 1996, the leaders of the underground Communist Party of Nepal (Maoist) and the United People's Front (UPF) launched a "People's War" in the Mid-western region of Nepal, with the aim of replacing the constitutional monarchy with a one-party Communist regime. The insurgency has claimed the lives of approximately 13,000 people. With an estimated 5,000-10,000 armed fighters utilizing guerrilla warfare tactics including murder, torture, arson, sabotage, extortion, child conscription, kidnapping, bombings, and assassinations, the Maoists were able to establish a parallel government to rule over substantial proportions of Nepal. A string of bank robberies, combined with "revolutionary tax" revenues, made the Nepalese Maoists among the wealthiest rebel groups in Asia.

Following the King's 2005 seizure of power, the Maoists joined with Nepal's seven major political parties in resisting the King's control of government. After the restoration of Parliament, the Maoists offered the government a cease fire and entered talks to join the government. In June, the Maoists leader, Pushpa Kamal Dahal, also known as "Prachanda," agreed to dismantle the parallel government, but refused to disarm until after elections are held for constituent assembly to draft a new constitution. The Maoists have offered to sequester their arms and men under international supervision, provided the Nepalese military does the same.

The Maoists' message has included bellicose and anti-American rhetoric. In 2002, the Maoists claimed responsibility for killing two off-duty Nepalese security guards at the American Embassy in Kathmandu. On October 22, 2003, the Maoists stated that American-backed organizations would be targeted for attack. The State Department does not list the Maoists/UPF as a Foreign Terrorist Organization. However, the Department's 2005 Country Reports on Terrorism does list the groups amongst its list of "Other Groups of Concern."

In a statement before the Senate Foreign Relations Committee's Subcommittee on Near Eastern and South Asian Affairs on May 18, 2006, Assistant Secretary of State for South and Central Asian Affairs Richard Boucher highlighted that the Maoists have not renounced violence, nor agreed to disarm. He further noted that the Maoists originally took up arms in 1996 against an elected government and that Maoists human rights abuses continue to be reported. He stated that until the group renounces violence and shows respect for human rights, the Administration "will not be convinced that they have abandoned their stated goal of establishing a one-party, authoritarian state."

Nepal is one of the poorest countries in the world. Up to 90 percent of its inhabitants earn a living through agriculture. Continued reliance on subsistence farming could keep Nepal poor for many years to come. Government efforts to increase foreign trade and investment have been impeded by political instability, the small size of the economy, its remoteness, a lack of infrastructure and technological development, and frequent natural disasters. Future economic prospects will likely be influenced by the outcome of the negotiations underway between the Parliament and Maoists.

On August 13th, I met with Prime Minister Koriála for 45 minutes. Prime Minister Koriála expressed his gratitude for U.S. financial assistance and that it aided in stabilizing the government. He stressed his strong support for democracy and emphasized that unless the Maoists give up their weapons they could not join the government. Koriála hoped that the United Nations would be brought in to resolve Nepal's internal conflict.

Prime Minister Koriála had been jailed on several occasions throughout his life for his political activities. These sentences accounted for fourteen years of his life. Koriála informed me that his life's goal was to bring all non-democratic elements, including the Maoists, into a constitutional democracy, stating that he would never surrender a democratic government to anyone. Koriála informed me that he would succeed in order for terrorists all over the world to learn from Nepal's example that dialogue was the best way to solve disputes.

Prime Minister Koriála said he favors a ceremonial monarchy because it had been a unifying factor in Nepal since 1769. He noted that, unless the Maoists gave up their weapons, the interim constitutional drafting com-

mittee could not consider the Maoist's suggestions, adding that their proposals for a republic based on ethnic regions could fragment and destabilize Nepal.

PM Koriála expressed his concern about the Maoist's intentions, especially as they have not given up their weapons. Koriála informed me that they are still extorting and collecting taxes from citizens despite their signing of the 25-point code of conduct in which they agreed to stop these activities. Many representatives I met with expressed skepticism about the Maoists ability to implement what they agree to do.

Following my meeting with the Prime Minister, I met with Subash Nemwang, Speaker of the House. The Speaker reiterated the position of the Prime Minister that Maoists will not be permitted to enter into any form of interim government until they are disarmed. Speaker Nemwang expressed his desire to see the Maoists repudiate violence and join the democratic political process.

I then met with the Home Minister Krishna Prasad Situala who is also the point person on the Government of Nepal's peace talks. The Home Minister expressed hope that the Maoists could be brought peacefully into the political mainstream, but warned that the Maoists had not lived up to the pledges made in negotiations. He stressed the importance between Nepal moving towards a successful democracy and the need to have the Maoists disarmed. He believes that the United Nations could play a positive role in facilitating the transition to democracy. I urged the Home Minister, in his role as chief negotiator, to be firm and tough with the Maoists, whose actions are similar to those of thugs.

Nepal has formed a Peace Secretariat, a think tank of sorts, to advise the government on how to transition to democracy. I met with the head of that agency, Vidyadhar Malik, who also expressed an interest in having the UN involved in Nepal. The Peace Secretariat believes the UN could be able to provide some best practices options for Nepal on how to ensure arms are not part of the political equation.

Armed groups or political parties cannot be permitted to participate in government unless they disarm. Hezbollah and Hamas, both terrorist organizations, were permitted to participate in government much to the detriment of citizens in the region. During my conversation with Malik and other leaders, it became clear that were the Maoists to come to power, Nepal would be more unstable and ruled through intimidation and fear.

I was invited to the Ambassador's residence for a roundtable discussion and lunch with the leaders of the various Nepalese political parties. Attendees included: Sher Bahadur Deuba, former Prime Minister and President of the Nepali Congress, Madhav Kumar Nepal, General Secretary of the Communist party, Ram Chandra Poudel, General Secretary of the Nepali Congress party, Narayan Man Bijukche, President of the Nepal Workers and Peasants party, Prakash Man Singh, Vice President of the Nepali Congress, Chandra Prakash Mainali, General Secretary of the Socialist party, Jhala Nath Khanal, Central Committee Member of the Communist party, Arjun Narsingh, Central Committee Member of the Nepali Congress party and Lilamani Pokhrel, Vice President of the People's Front. We had a candid discussion about the parties efforts to work together to confront the Maoists and the prospects for a democratic Nepal.

Later that day, the Ambassador invited me to a dinner reception at his residence where there were roughly seventy political party leaders, civil society representatives, human rights and women's rights activists. I had

the opportunity to engage in dialogue with many of those in attendance about the status of Nepal and the prospects for stability. Many of the leaders expressed their appreciation to me for coming to Nepal and the support the U.S. has provided the country.

BHUTAN

On Monday, August 14th, we departed Kathmandu en route Thimphu, Bhutan. Due to the mountainous terrain of Bhutan, we had to take the Royal Druk Airline whose pilots are the only ones permitted to fly into Bhutan. From the Paro airport we took the windy ninety minute drive to the capital, Thimphu.

Bhutan is the world's last Buddhist kingdom. Although the government places a heavy influence on the preservation of its Tibetan Buddhist culture, Bhutan is slowly emerging from self imposed international isolation and is in the process of evolving into a constitutional monarchy with a representative government.

The U.S. and Bhutan have not established formal diplomatic relations; however, relations between the two governments are cordial. The Public Affairs Section of the U.S. Embassy in New Delhi administers the International Visitor (IV) and Fulbright Exchange Programs for Bhutan. There are currently sixty-seven Bhutanese alumni of the IV program including Bhutan's Chief Justice, three Ministers, and six District Governors. Thirty-three Bhutanese nationals have received undergraduate degrees in engineering and the sciences through the Fulbright Exchange Program. Most alumni now head technical corporations working on infrastructure development at Bhutan's regional level.

The following morning, I met with Prime Minister Sangay Ngedup. The Prime Minister began by expressing his appreciation for the United States as a great democracy and global leader. He also informed me that Bhutan is going through a lot of changes. Most notably, the King announced that Bhutan will be voting on its first constitution in 2008 and instituting a parliamentary democracy.

The Prime Minister told me that this move is inspired in no small part by the U.S. Constitution. Prime Minister Ngedup said the country's leadership is working to ensure the country will have good governance and good leaders for its future. He believes Bhutan can serve as a model democracy for the region. The Prime Minister expressed the view held in Bhutan that happiness is the cornerstone of the society. In fact, the country has developed a Gross National Happiness indicator.

When King Wangchuk came to power in 1972, he announced that government policies would be based on the pursuit of high "Gross National Happiness" rather than the conventional Gross Domestic Product (GDP). The concept of GNH is based on the premise that true development of human society takes place when material and spiritual development occur side by side to complement and reinforce each other. Since the King's 1972 announcement, the government has focused on what it calls the "four pillars" of GNH (socio-economic growth, cultural values, environmental conservation and good governance) to guide the country's development plans. For example, the government mandates that a minimum of 60 percent of its land be covered in forest and has instituted policies meant to encourage only high-scale environmentally conscientious tourists to visit. The 2005 national census found that 45.2 percent of Bhutanese are "very happy," 51.6 percent are "happy," and only 3.3 percent are "not very happy."

The Prime Minister reminded me of the provision penned by Thomas Jefferson regarding the pursuit of happiness. In Bhutan,

they measure achieved happiness. The idea of a Gross National Happiness is certainly unusual. I did commend my hosts because it is wonderful that a government wants its people to be happy and makes government work toward that end.

The Prime Minister wears two hats in that he also serves as the government's point person for agricultural issues. His role in ensuring a high level of Gross National Happiness is to provide an adequate supply of food, shelter, clothing, clean air and water. He told me about his work to increase food production, raise rural income and improve the livelihood of the nation's large rural population while preserving the pristine natural environment and conserving the rich natural resources.

We then met with Khandu Wangchuk, the Minister of Foreign Affairs. Minister Wangchuk attended graduate school at Tufts University. I pressed the Prime Minister on the issue of the 105,000 refugees living in UN-funded camps in Nepal. The immigration of ethnic Nepalese to Bhutan has taken place since the 17th century and ethnic Nepalese and ruling Drukpas have shared cordial relations throughout the years. However, in the late 1980s, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts by Bhutan to assert a national culture, to tighten control over the southern regions, to control illegal immigration and to expel ethnic Nepalese.

Beginning in 1988, Bhutan's government expelled large numbers of ethnic Nepalese through enforcement of new citizenship laws. In response to this perceived repression, ethnic Nepalese protested, sometimes violently, leading to a government crackdown and the closure of local Nepalese schools, clinics, and development programs. In 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and to take refuge in Nepal. Today, over 100,000 ethnic Nepalese who were expelled from Bhutan are encamped in seven United Nations High Commissioner for Refugees (UNHCR) camps in southeastern Nepal.

In October 2004, then-Assistant Secretary of State for Population, Refugees and Migration Gene Dewey visited Bhutan and discussed the refugee issue with the King. During this visit, the King agreed to immediately repatriate certain categories of refugees. However, to date, no refugees have returned, because of procedural disagreements between Bhutan and Nepal. In recent months, the international community, through a Core Group on Bhutanese Refugees (consisting of the U.S., Canada, Australia, the Netherlands, Denmark, Norway, and New Zealand), has begun discussing a comprehensive solution to the refugee problem that would likely include resettlement of a large number of refugees to third countries. Ambassador Moriarty noted that the U.S. could possibly accept upwards of 75,000 refugees spread out over many years.

The Foreign Minister, well-versed in this issue, explained that this refugee issue is unique and complicated. He informed me that Bhutan, a country of 700,000 does not have the capability to absorb large numbers of people in its society and large-scale immigration would be difficult to accommodate and perhaps pose a threat to stability due to the scramble over resources and infrastructure.

The major problem facing the bilateral relationship between Bhutan and Nepal is the instability in Nepal. The constant changes in Nepal's government have made it difficult for Bhutan to negotiate.

The Foreign Minister requested that my committee and colleagues consider allowing Bhutanese students, studying in the United

States, the ability to have multiple entry visas to allow them to return for holidays and to visit family. Additionally, he requested I inquire about funds belonging to Druk Air, the national airline, which were frozen by the United States as a result of the sanctions placed on Burma.

While in Nepal, many leaders expressed concern that if those in UN camps were allowed to go to a third-party country, such as the United States, Bhutan would expel additional ethnic Nepalese. The Foreign Minister assured me that the government would do no such thing.

Following our meeting with the Foreign Minister, we had an audience with King Jigme Singye Wangchuk who ascended to the throne in 1972 at the age of 17. As head of state, the King is responsible for all matters relating to the country's domestic policies, security, and sovereignty. However, in 1998, King Wangchuk voluntarily transferred his executive powers to the ten member-Council of Ministers. Ministers are nominated by the King and approved by the 150 member National Assembly, 106 of whom are elected by the people. The remaining Assembly members are selected by the King, Buddhist clergy, and the Council of Ministers.

In March 2005, King Wangchuk unveiled a draft constitution, which envisions a constitutional monarchy with a Parliament consisting of an upper and lower house. The proposed draft Constitution legalizes political parties and guarantees fundamental human rights such as the right to life, liberty and security of person, the right of association, freedom of speech and press, freedom from torture or inhuman punishment, and freedom from discrimination based on race, sex, language, religion, or politics. The draft also mandates the abdication of the monarch on his 65th birthday and would allow the National Assembly to force a royal abdication if the motion was backed by three-quarters of its members. The draft has reportedly been sent to every household in the country for review. The King has said the Constitution will be ratified through a public referendum, although a date has not yet been set.

In December 2005, King Wangchuk announced that when the nation holds elections for its first elected government in 2008, he will abdicate to his son, Crown Prince Dashi Jigme Khesar Namgyal Wangchuk. I asked the King why he chose to reduce the power of the monarchy. The King responded that he "became King due to birth, not merit... which is a flaw of monarchies" and that "national interests come first." I found this action rare and refreshing in contrast to a world where more and more people are trying to gain more and more power. We spoke at great length about a wide variety of issues including terrorism, the Middle East, radical Islam, Iraq and Afghanistan. We had an informative dialogue and I was impressed with the King's knowledge of world events during the course of our hour-long meeting.

Following the meeting with the King, I had the opportunity to meet with the Chief Justice of the Royal Court, Sonam Tobgye. The Bhutanese legal system is primarily based on Buddhist natural law. The court has three levels, the High Court, established in 1968, over which the Chief Justice presides, the Dzongkhag Court, established in 1960, and the Dungkhag Court, established in 1978. The High Court consists of seven to nine Judges. A Dzongkhag court comprises of a minimum of single judge and a maximum of three judges. A Dungkhag court is comprised of one judge.

The drafting committee for Bhutan's constitution is headed by the Chief Justice and consists of 39 members of elected representatives. The current system of government

provides for a unicameral assembly. The new government will be a bicameral system with an assembly, or lower house, and an upper house. I asked the Chief Justice why the King supports a move towards this form of governance. He responded by saying that the King told him, "it is better to trust the people than to hope for the best in one person."

From Bhutan we flew back to Kathmandu, passing Mount Everest, to change planes before heading to Kuwait.

KUWAIT

On Friday, August 18th, we landed in 118 degree weather at Ali al Salem Air Base located 45 minutes outside Kuwait City and forty miles from the border with Iraq. We were met by First Secretary and Chief of the Political section from the U.S. embassy, Natalie Brown.

Ali Al Salem Air Base is located just 39 miles from the border with Iraq and the bomb damage from Iraq's occupation of Kuwait is still visible. Kuwait can host as many as 90,000 U.S. military personnel at any one time, most of whom are rotating in or out of Iraq. Following the U.S.-led effort to liberate Kuwait from Iraq in 1991, Kuwait signed a ten year defense pact with the U.S. In September 2001, the pact was renewed for another ten years. On April 1, 2004, the Bush Administration designed Kuwait as a Major Non-NATO Ally (MNNAA), a designation held by only one other Gulf state (Bahrain).

Kuwait privately supported the invasion of Iraq in 2003, even though it publicly opposed the U.S. action. In the run up to the invasion, Kuwait closed off 60% of its territory in order to secure the U.S.-led invasion force of about 250,000 personnel and several thousand pieces of armor; allowed U.S. forces to use two air bases, as well as its international airport and sea ports, and provided \$266 million in burden sharing to support combat operations. Kuwait has contributed \$213 million in burden sharing support to OIF in FY2005, and is expected to contribute \$210 million in both FY2006 and FY2007. Kuwait has also built a water line into Iraq, assists the Polish-led security sector in Hilla, Iraq, and runs a humanitarian operation center (HOC) that has funneled over \$500 million in assistance to Iraqis since the fall of Saddam.

Prior to the toppling of Saddam Hussein, Kuwait hosted about 1,000 U.S. Air Force personnel enforcing the "no fly zone" over southern Iraq. Kuwait also hosted about 5,000 U.S. forces during Operation Enduring Freedom (OEF) in Afghanistan that ousted the Taliban.

On Saturday, August 19th, I met with U.S. Ambassador Richard LeBaron who updated me on the recent developments in the region. Ambassador LeBaron informed me that Kuwait plays host to the largest military base outside Iraq in the Middle East. Kuwait also gives more aid and support than any other country to support U.S. efforts in Iraq.

According to the Ambassador, Kuwait is very concerned about Iraq and what they describe as the "emergence of a failed state." LeBaron requested I pursue the issue of Iraq with Kuwaiti leaders and seek their views on the future of its northern neighbor. LeBaron further asked me to seek the views of Kuwait on the problem of Iran. While the U.S. is primarily concerned about Iran's capability to attain nuclear weapons, Kuwait is concerned about the environmental hazards associated with nuclear energy. More specifically, Iran's Bushehr nuclear facility is located closer to Kuwait city than Tehran. Any accident or leak at the facility could have a profound impact on Kuwait's water supply and air quality.

The State Department's 2005 Country Reports on Terrorism credits Kuwait for bolstering measures to protect U.S. forces in

Kuwait from terrorist attacks but notes that Kuwait has been "reluctant to confront extremist elements within the local population." In May 2006, Kuwaiti judges dismissed charges against five Kuwaitis who were repatriated from the U.S. facility at Guantanamo Bay. In December 2005, Kuwait convicted six men of belonging to a terrorist group ("Lions of the Peninsula") allegedly planning attacks on U.S. troops in Kuwait. Since January 2005, Kuwaiti security forces have engaged terrorists in at least five confrontations in Kuwait City. Shortly after the September 11, 2001, attacks, Kuwait moved to block the accounts of suspected Al Qaeda activists in Kuwait, and the State Department reports that Kuwait has established an office at the Ministry of Social Affairs and Labor to monitor Islamic charities.

On the social and political fronts, Ambassador LeBaron reported that Kuwait has taken steady steps towards liberalization. Women received the right to vote in 2005 and ran in elections in 2006. However, no women were elected. The U.S. has been providing technical assistance to Kuwait through organizations like the International Republican Institute and the National Democratic Institute. Kuwait has had a functioning legislature for forty years which the Ambassador portrayed as a "serious body" that is not a rubber stamp and is often critical of Kuwait's leadership.

The royal family is widely respected by the people of Kuwait. The Ambassador pointed out that they do not monopolize wealth and are part of the system. Kuwait's substantial oil wealth, which accounts for ten percent of the world market and three percent of U.S. imports, is not owned by the ruling family but rather the Kuwaiti people. Currently, there is much debate about over how much oil the country has, but the Ambassador said Kuwait has plenty and is still finding more.

For some time, I have questioned the validity of claims that the U.S. Ambassador to Iraq, April Glaspie, told Saddam Hussein that the U.S. would not stand in the way should he wish to take Kuwait. Unfortunately, this answer still eludes me as Ambassador LeBaron did not have an answer.

As Chairman of the Judiciary Committee, I have been heavily involved in examining the issues surrounding the detainees at Guantanamo Bay, Cuba. The U.S. released six Kuwaitis who were later tried and released in Kuwait. However, five Kuwaitis remain at Guantanamo.

Our discussion expanded to many issues confronting the region, namely the Arab-Israeli conflict. The Ambassador informed me that many in the Arab world would like to see the peace process rejuvenated. Even if progress is slow, Arabs want to see the United States and others engaged in a process and working towards a solution.

The Ambassador and I then headed to Seif Palace to meet with the Amir of Kuwait, Shaykh Sabah Al-Ahmed Al-Jaber Al-Sabah, the fifteenth Amir of Kuwait. During the hour-long session, I asked the Amir what needs to be done to get Iran to stop aiding Hezbollah and the insurgents in Iraq. The Amir responded by saying that Iraq will not be stable in the next few years and that Iran has been emboldened and strengthened by the chaos in Iraq and the situation in Lebanon. He advised me that the U.S. should speed up the training of the Iraqi army and that U.S. forces should not enter town and cities unless invited.

I asked Amir Sabah if it is realistic to think that a United Nations peacekeeping force of 15,000 in Lebanon can stabilize the situation between Israel and Hezbollah. The Amir felt the force will only be effective if they are given a good mandate and the necessary authority to control the region.

When I asked about Kuwait's bilateral relationship with Iran, the Amir told me Kuwait had good relations but that they are concerned about the impact a nuclear accident in Iran would have on Kuwait and their fear that Iran will transfer peaceful nuclear technology to a military capability. Given his concern about Iran becoming a nuclear state, I asked if Kuwait had pressed Iran to stop their pursuit of weapons. The Amir responded in the negative with the rationale that if the U.S. and Europeans could not convince Iran to give up their pursuit, a small country like Kuwait would not be able to make any progress. However, the Amir did say he would support sanctions.

I asked the Amir about his views on the Arab-Israeli conflict. Former National Security Advisor, Brent Scowcroft, wrote an article suggesting relations between the two could improve if Israel retreated to its 1967 borders. Saudi Arabia reportedly said it would enter into a peace agreement with Israel if it agreed to this proposal. The Amir also said Kuwait would support such a proposal and pointed out that the Arab League declared its support for such a proposal at the 2002 Arab summit. However, we both expressed doubt that Israel would agree to such a proposal.

I asked the Amir what should be done about Hamas and their view that Israel should be destroyed. The Amir doubted Hamas had the capability to destroy Israel and that Hamas attacks Israel with "fireworks." I informed the Amir that "fireworks do not kill people."

The Amir asked me to review the case of five Kuwaitis being held in U.S. custody at Guantanamo Bay, Cuba and work to secure their release to his government. The Amir assured me that they would be tried for any crimes and punished accordingly if found guilty. Six Kuwaitis were released to Kuwait from Guantanamo, tried and found not guilty.

Following my audience with the Amir, I met with Prime Minister Nasser Al-Mohammed Al-Ahmed Al-Sabah. The Prime Minister served as Ambassador to Iran for ten years and shared with me his views on that country. He pointed out that President Ahmadinejad came to power via democratic means and therefore he must be recognized and dealt with. The Prime Minister suggested that the U.S. should directly engage Iran in a frank and direct manner because, as is the case with all conflicts, dialogue and discussions should be exhausted before any other action is pursued. I agreed with the Prime Minister's assessment with the caveat that Iran's support for terrorism and its desire to possess nuclear weapons poses a threat to the region and the world. When Nasser suggested that the U.S. meet with Iran in Vienna to discuss the issues confronting our bilateral relationship, I informed him of my prior meetings with Iranian officials in New York and my desire to have a parliamentary dialogue.

On the issue of peacekeeping efforts in Lebanon, the Prime Minister hoped the U.N. efforts would be fruitful but that the key to success will be having a coalition of nations respected by both sides. On the issue of Hamas, the Prime Minister said that Hamas was democratically elected and that they must be recognized. However, he noted that Kuwait has counseled Hamas that they are now policymakers inside the government and must act accordingly. Following my meetings at Seif Palace, we left the Gulf for Israel.

ISRAEL

On Saturday, August 19th, we landed at Ben Gurion in Tel Aviv after a technical stop in Amman, Jordan. The following morning I

met with Israel's Defense Minister, Amir Peretz in Jerusalem. Joining the meeting were Major General Etian Dangott, military aide to Minister Peretz, Eyal Sela from the Ministry of Foreign Affairs, Amos Gilad, Political Director of the Ministry of Defense and Commander Tom Williams, United States Navy.

Peretz expressed his view that the International Community must examine the rules of war for the U.N. mission in southern Lebanon as Hezbollah is not a conventional force. If Hezbollah is not disarmed, the U.N. must know that Israel maintains the right to defend itself. Peretz was disappointed that the U.N. has not been quick to provide the necessary forces to implement the Security Council resolution and asked the U.S. to pressure nations who have committed troops, such as France, to make good on their word. I concurred and believed that if there is not a sufficient force on the ground in short order, Hezbollah will have the opportunity to re-arm and we will find ourselves in the same situation in the future. Israel agreed to the cease-fire based on the U.N.'s commitment to provide 15,000 troops, of which France was to provide 3,500. As of the time of our meeting, France had only provided 200.

After sharing with me information that Iran has provided training and equipment via Syria to Hezbollah, I asked him if Israel considered retaliating against Iran and/or Syria for their open support of Hezbollah. He said that Israel did not want to open another front on the war and in particular, Israel felt fighting Syria would move them closer to Iran and result in Syria moving back into Lebanon. Peretz told me that there is much debate over whether to fight Syria or try to have a dialogue with them in an attempt to move them out of Iran's sphere of influence.

I asked the Defense Minister to update me on the status of the Israel Defense Force soldiers taken by Hamas and Hezbollah and the likelihood that they will be returned to Israel. Peretz expressed optimism that through negotiations with Abu Mazen and Egypt that the soldier taken by Hamas could be returned to Israel. However, he declared that Israel will not negotiate with Hezbollah as they do not want to strengthen the hand of Hassan Nasrallah who has not only requested the release of Lebanese prisoners from Israel, but also Palestinians.

I asked the Minister whether there was any possibility Israel would return to its pre-1967 borders. He expressed concern that without the disarmament of Hamas and Hezbollah, the proposal would only permit them to hit targets further inside Israel. He felt it was a complicated proposal because the question of Jerusalem remained unanswered and that Syria would have to be brought in as well.

Following my meeting with the Defense Minister, I went to Israel's Supreme Court to meet with the Chief Justice, Aharon Barak. Barak has served on the court for 28 years, of which he was Chief Justice for the last eleven. Barak will be retiring in September 2006 due to an Israeli limitation that judges must retire at 70. We discussed many issues including the interrogation of detainees, the use of torture, the power of the executive, rule of law and abortion.

Barak has had a long and distinguished career having served as dean of the law school, being appointed as Attorney General by Yitzhak Rabin in 1975 and serving through the Menachem Begin administration prior to his appointment to the court. Barak expressed his view that democracies cannot conduct or condone torture and that those taken into custody must be interrogated properly and given a prompt trial. Aside from our legal discussions, I asked him his

views on the Arab-Israeli dilemma. The Chief Justice felt constrained from speaking candidly on this question as the Chief Justice, but said that "there is light at the end of the tunnel but the problem is that the tunnel keeps getting longer."

After lunch, I traveled to the Knesset to meet with Prime Minister Ehud Olmert. The Prime Minister began the meeting by expressing his realization that he knew his job would be difficult but that he did not expect to be in the middle of a war a few months into the job. He described in some detail the assistance Iran and Syria were giving to Hezbollah and the great threat that poses to Israeli security. He gave me many examples supporting his conclusion and pointed out that Hezbollah guards were trained in Iran and Iranian Revolutionary Guards are in Lebanon. He further explained how Iran has provided top class weapons to Hezbollah.

The Prime Minister said the Israeli forces were extremely effective in eliminating most of the long range and medium range missiles through its sophisticated systems and that no launcher fired a rocket twice. He declared that Israel won every confrontation with Hezbollah, but that fighting against well-equipped guerrillas is difficult. Despite these victories, he expressed concern about the growing influence being projected by Iran.

I asked the Olmert if he was frustrated that Israel could not retaliate against Iran. The Prime Minister explained that Israel should not have to deal with Iran alone and that the international community must realize the threat Iran poses and act to confront it accordingly. Olmert reminded me that it was only 65 years ago when a dictator declared his desire to eliminate Jews and now there was another leader who has stated a similar desire and who is seeking nuclear weapons—a convincing argument as to why the world should be moving aggressively to eliminate the threat posed by Iran.

I asked the Prime Minister if the ceasefire will hold. Olmert informed me that he had received criticism from Israelis for agreeing to the ceasefire and that he agreed to the proposal after assurances that a robust international force would be provided to bring calm to the region. He further explained that Security Resolution 1701 has to be implemented or Israel will be left with no choice but to continue to defend itself. He mentioned that this proposal was not of Israeli origin but rather from the French and the United States.

On the question of Hamas, the Prime Minister expressed hope that Abu Mazen will exert his authority and garner more control over the territories. He doubted there could be any progress with Hamas and he refuses to negotiate with them. He did believe that there could be progress in getting back soldiers taken by Hezbollah, possibly in exchange for those taken by Israel during the conflict.

I asked Prime Minister Olmert his views on the idea that if Israel returned to the 1967 borders, peace would come between the Arabs and Israelis. He responded by saying it was an outdated proposal and Hamas still wants to destroy Israel. Olmert expressed his belief that the next few years will be critical for Israel's survival as they combat Hezbollah, Hamas, Syria and most importantly Iran—who is seeking the capability to wipe Israel off the map.

LIBYA

On the morning of August 21, 2006, we departed Tel Aviv en route Tripoli, Libya with a brief technical stop in Cyprus. We were greeted at Mitiga International Airport by Dr. Suleiman al-Shahumi, the General People's Congress Secretary of Foreign Affairs and by Charge Greg Berry and Political and Economic Officer, Elizabeth Fritschle.

After a brief rest at the hotel, we traveled to the U.S. embassy annex in Tripoli for a country team briefing. The U.S. Embassy is temporarily located in the hotel we were staying at, but is insufficient to serve as a place for the U.S. Government to do its business. Charge Berry requested my assistance in speaking with Libyan leadership in hopes of security land for a permanent facility to build a mission. Additionally, he informed me that airline companies in Libya were in the process of deciding between Boeing and Airbus to supply them with a new fleet. President Chirac, Prime Minister Blair and Chancellor Merkel have all visited Libya and offered their support for Airbus. Charge Berry requested my assistance in sharing the benefits of the Boeing product.

In October 2005, Boeing received an order for two 737-800s from Buraq Air, a privately held airline, valued at \$250 million and the planes are scheduled to be delivered by November 2006. However, Boeing is competing against Airbus to sell up to fourteen 737s and twelve 787s to Libyan Airways, the flag carrier. This deal is estimated to be worth \$2.9 billion. Boeing has a significant footprint in Pennsylvania employing 4,681 workers and 915 vendors and suppliers. Boeing spent \$264,279,109 in Pennsylvania in 2005. In each of my meetings with Libyan officials, I described the benefits of the Boeing aircraft and highlighted the fact that it incorporates the latest technologies and offers significant fuel efficiencies.

Following the brief, we met with Dr. Suleiman al-Shahumi for about an hour. Dr. Shahumi expressed his government's desire to continue the improvements in our bilateral relationship. He briefed me on Libya's efforts to combat terrorism and their desire to have peace in Africa and the Middle East. Dr. Shahumi and I discussed our country's efforts to combat terrorism and our views on the issue of Iran. We both agreed that we are entering a new phase in U.S.-Libyan relations but that three decades of no communication will take some time to overcome.

Dr. Shahumi shared with me Libya's problems with illegal immigration. I told him about the ongoing immigration debate in the United States and the eleven million illegal immigrants residing in the country. Dr. Shahumi informed me that an estimated 50,000 illegal immigrants pass through Libya every month in an attempt to leave the continent for Europe.

I told Dr. Shahumi that it was important that the U.S. be permitted to establish an embassy quickly and he concurred. The people to people exchanges are very valuable in establishing sound relations between our countries. It was brought to my attention that the note taker from the Libyan government studied at Penn State University in 1980 and that her son was born in State College, PA.

I asked Dr. Shahumi to work with the United States to permit Dr. Donald White, an archaeology professor at the University of Pennsylvania, to continue to have access to various sites in Libya. Dr. White had previously had difficulty securing the appropriate documents needed to enter Libya. I also raised this issue with other members of the Libyan leadership during my stay. Following our meeting, Dr. Suleiman al-Shahumi hosted us for dinner at a beautiful downtown Tripoli restaurant located adjacent to an arch constructed in honor of Marcus Aurelius.

The following morning we departed for the Ministry of Justice to meet with Ali Umar al-Hasnawi, Secretary of the General People's Committee for Justice. As was customary during all of my meetings with Libyan officials, the meetings always began with a brief dialogue about the problems between

the U.S. and Libya in the past and both nations' desire for better relations in the future.

I pressed Mr. Hasnawi about resolving the outstanding issues surrounding the cases involving the bombings of Pan Am Flight 103 and the La Belle Disco. On December 21, 1988, a bomb exploded on Pan Am flight 103, over Lockerbie, Scotland killing 270 people, including 189 Americans. The U.N. Security Council passed three resolutions that placed sanctions on Libya until its government surrendered for trial men suspected of the Pan Am flight and the bombing of French flight UTA 772 in 1989. Libya surrendered the two men on April 5, 1999, and the U.N. suspended sanctions the same day. In August 2003, Libya accepted responsibility for the Pan Am bombing and agreed to pay the families of each American victim \$10 million in compensation. To date, the victims' families had been paid \$8 million each over two payments with the remaining \$2 million to be paid when the U.S. removed Libya from the list of State Sponsors of Terrorism. Libya has been removed but the final payment has not been made.

On November 13, 2001, a German court found four individuals, including a former employee of the Libyan embassy, guilty in connection with the 1986 La Belle disco bombing. Two U.S. servicemen were killed and eighty other servicemen and women were injured in the bombing. In August 2004, a compensation deal for non-U.S. victims was agreed to; however U.S. victims continue to pursue their claims in federal court. While the U.S. Government was not party to either of these suits, I stressed the importance of having these outstanding issues resolved and the benefit it will have in aiding Libya reemerge into the international community. Mr. Hasnawi informed me that both sides are working to bring the issue to a conclusion by the end of 2006 and should the cases go to court, he pledged that Libya would accept the ruling.

Charge Berry raised the issue of the five Bulgarian female nurses and one Palestinian male doctor who were arrested in 1999 on charges that they infected 426 Libyan children with HIV. They were found guilty on May 6, 2004, and sentenced to death by firing squad. However, a French doctor testified at the trial that the children had been infected in 1997, one year before the Bulgarians and the Palestinian arrived in Libya. On December 25, 2006, Libya's Supreme Court overturned the convictions and death sentences, and ordered a retrial which began in May 2006. Mr. Hasnawi responded that he anticipates a ruling in the case by no later than November 2006.

I then traveled to the Foreign Ministry to meet with Abdul Rahman Shalgam, Deputy Secretary of the General People's Committee for Foreign Relations. I asked Mr. Shalgam what can be done to address the tragic situation in Sudan. He informed me of Libya's involvement over the last three years to bring all sides in the conflict to Tripoli to participate in a dialogue. The key to peace and stability in Sudan, according to Shalgam, is to fulfill three requests made by all parties involved. Each of whom want to participate in power, benefit from the country's wealth and participate in a federal form of government to allow for local administration of the various regions. I requested that his government apply pressure on the government in Khartoum to permit the United Nations to enter the country.

I found the about-face in our bilateral relationship unique in modern history and asked Mr. Shalgam what were the factors that convinced Libya to reengage the United States and could it be used as a template to improve relations between the U.S. and Iran.

He informed me that it was in the best interest of Libya to have good relations, commerce and trade with the United States and that living under sanctions was detrimental to the economy and the Libyan people. He further stated that Libya wants recognition for their actions to eliminate weapons of mass destruction and their cooperation on counterterrorism efforts. It is this recognition, and a seat at the international table, that Iran seeks, according to Shalgam. He believes the U.S. should directly enter into dialogue with Iran—a response shared by most officials I met with during my trip.

After lunch, I departed for a meeting with Ali Baghdadi al Mahmudi, Secretary of General People's Congress. Mr. Mahmudi, whose position is not unlike that of a Prime Minister, was running a cabinet meeting which was running overtime. This delay provided me an opportunity to speak with Mohammad Siala, Secretary of International Cooperation, about the steps Libya has taken to restore its economy. Prior to serving in his current capacity, Mr. Siala led Libya's tourism bureau. Mr. Siala, echoing the statements of Mr. Shalgam, stressed the importance of U.S. markets, in particular, the U.S. financial and banking system, to the growth of the Libyan economy. He expressed his interest in having a delegation from the U.S. Export Import Bank come to Libya in the near future to discuss proposals to aid Libya's infrastructure and commerce.

When the cabinet meeting broke, I met with Mr. Mahmudi who shared his view that the U.S.-Libyan relationship was on a positive track. He expressed his desire for enhanced trade and tourism with the U.S. and greater cooperation on issues of mutual concern such as radical Islam. Mahmudi views delegations from the U.S. as invaluable in enhancing our understanding of one another and hoped that more would come in the future.

During our discussion on Iran, Mr. Mahmudi believes the U.S. should not impose preconditions for talking to Tehran. On the issue of Libya serving as a framework in which the U.S. and Iran could foster better relations, he warned that the U.S. has not done enough to show the advantages of ditching weapons of mass destruction. Many Libyans question the move to surrender the weapons as they have not seen anything in return for their actions, such as technology and knowledge transfers. He believes that should the U.S. want to convince Iran to forego nuclear weapons, it should set an example by aiding Libya and showing the benefits that can be brought to those who chose that path. He mentioned that Libya has good relations with Iran and North Korea and that Libya may be able to play a role in future negotiations.

Following my meeting with Mahmudi, I was whisked to Mitiga International Airport as I was to meet Colonel Muammar Qadhafi in Surt, located about a one hour flight from Tripoli. Upon arrival at a vacant airport, I was led in a motorcade into the desert. The drive revealed the desolate landscape which was dotted with a few tents and camels. I arrived at Qadhafi's location to find a man-made pond, paddleboat, a few tents and a recreational vehicle. Perhaps the strangest fixture at this location was Congressman Tom Lantos, who was also meeting with Qadhafi. He commented how difficult it was to see each other in Washington, D.C. and how odd it was to be chatting in Libya.

As the sun was setting, we were summoned to enter Qadhafi's tent. We exchanged pleasantries and our desires for enhanced relations between our countries. I pressed Qadhafi to move expeditiously towards settling the outstanding disputes involving the bombings of Pan Am 103 and the La Belle disco.

I also requested he work expeditiously to grant the U.S. the necessary land to build an embassy. Qadhafi said that the U.S. would be given land, but that it would not be a typical embassy. He elaborated that the mission in Tripoli would not serve as an "outpost for democracy and opposition" and that the U.S. Ambassador should not interfere with local affairs. Charge Berry responded by reassuring Qadhafi that "the U.S. will be good guests." Qadhafi declared that he did not want the U.S. mission involved in Libyan politics and did not want U.S. funds being distributed to political parties and democracy efforts. Charge Berry quipped that he did not have any money to spend.

I asked Qadhafi if democracy was in Libya's future. He responded by saying democracy was derived from an Arabic term and that he hoped the United States would follow Libya's form of government declaring it was the most pure form of democracy in history. He believed that direct representation does not serve the people of the United States and that Libyans do not use proxies to make decisions on their behalf. Qadhafi believes that peace will happen only when all the people are in power and can decide the course of their government. He further declared his desire to end the existence of armies, classes, parliaments and to place wealth back into the hand of the people.

Qadhafi informed me that there was no animosity held by the Libyan people for Americans but that leaders of countries are typically responsible for actions that create animosity between peoples. For an example, he recanted his confrontation with President Ronald Reagan and the action taken by the United States which resulted in the killing of his daughter. He asked the question, "was that a decision of the American people?"

I discussed the problems the United States is having with Iran and their support for terrorism in the region, their desire to attain nuclear weapons and their statements seeking to wipe Israel off the map. I asked Qadhafi if there were any lessons to be learned from the experience between the U.S. and Libya and if it would be applicable to dealing with Iran. Qadhafi informed me that Libya urged North Korea and Iran to turn over their weapons and halt nuclear programs. However, Qadhafi believes that unless the U.S. shows the benefits of the actions taken by Libya to give up its weapons of mass destruction, the U.S. will not be able to approach either North Korea or Iran with any such proposals.

I asked Qadhafi what he wanted from the U.S. He replied by saying President Bush promised he would help with technology transfers and knowledge transfers but that nothing has happened since the agreement was reached in 2004. He also suggested that the United States provide free power facilities for Libya. While I could not promise they would be free, I concurred that the U.S. should aid Libya with their infrastructure.

Qadhafi declared it would be counterproductive for us to look towards the past and expressed his desire for the U.S. and Libya to confront international terrorism, disease, climate change and Middle East peace. I asked Qadhafi how we should combat the issue of fundamentalism and terrorism. He responded by saying that the U.S. is supporting it by supporting Saudi Arabia. I told him we did not do so intentionally and that some U.S. leaders, myself included, have long been concerned about our relationship with Saudi Arabia. I highlighted my frustration with the Saudi government which began with their lack of cooperation following the Khobar Towers bombing in 1996 to their support for textbooks which incite hatred. I told him about legislation I have authored, the Saudi Arabia Accountability Act, and my de-

sire for a closer examination of our relationship with Riyadh.

He further stated that Wahabbism, which emanates from Saudi Arabia, is spreading across the region and is taking root in the Horn of Africa and is a threat to the entire Muslim world. Qadhafi went on to say that Saudi Arabia was responsible for the Bali bombings and behind the escape of seven individuals from Yemen responsible for the attack on the U.S.S. Cole. I asked Qadhafi to provide evidence to support these claims and did so at a subsequent meeting but was not provided anything to back up these charges.

Our meeting lasted about 45 minutes after which I was escorted through the desert back to the air base and back to Tripoli where we arrived at approximately 10:00 p.m.

On August 23rd, we departed Tripoli for Shannon, Ireland to rest and refuel prior to returning to Philadelphia on August 24, 2006.

I yield the floor.

TEMPLE UNIVERSITY, BEASLEY SCHOOL OF LAW, RULE OF LAW PROJECTS IN CHINA—SPECIAL REPORT ON TEMPLE STUDENTS

EXECUTIVE SUMMARY

Temple's initiatives in the People's Republic of China are grounded on the common theme of developing carefully-selected Chinese legal professionals who are poised to make significant contributions to the rule of law in China. Temple accomplishes this goal through three main categories of programs: the Temple Beijing LL.M degree program, non-degree education programs for judges and prosecutors, and law development and reform initiatives. Each of these programs is operated in cooperation with influential and high-level Chinese partners.

Education is long-term investment in the legal infrastructure of a society. However, Temple's programs have the benefit of also having an immediate impact. We are educating judges and prosecutors who are in the courtroom interpreting China's laws and applying them to real cases every day. Temple educates National People's Congress Legislative Affairs Committee members who are using their legal education to draft China's legislation. We instruct law professors who incorporate program content and critical teaching methods into their own classes, thus shaping more future judges, prosecutors, and lawyers. Temple graduates are developing the rule of law from within the system. As these leaders advance in their careers, the opportunities to use their Temple legal education will only gather momentum to bring about even more truly effective law reform.

The Temple-educated legal community has the potential to be enormously useful to the U.S. Government as it supports the rule of law in China. Temple graduates and current participants represent a reflective, highly-placed community of judges, prosecutors, state officials, professors, and legal advocates who have a special understanding of the principles of the U.S. legal system.

A total of 554 legal professionals have participated or are participating in at least one of Temple's China educational programs since 1997. Of these, 81 percent are from the public sector. We maintain contact with all graduates through the newly formed Temple Law Alumni Association of China (TLAAC), publishing directories, maintaining a website, and hosting national reunions at least once a year.

The Master of Laws (LL.M.) degree program

The Temple Beijing LL.M. degree program, operated cooperatively with Tsinghua University, is the most comprehensive educational program Temple—or any other foreign legal educational institution—offers in China. The educational experience is designed for Chinese legal professionals and

aims to have a profound impact on these key legal change agents.

A total of 293 Chinese legal professionals, including judges, National People's Congress and State Council legislative officers, prosecutors, government officials, and law professors have graduated from or are currently enrolled in Temple's Beijing and Philadelphia LL.M. programs. Of these, 64% are from the public sector. Moreover, 12.7% are ethnic minority lawyers, many from traditionally disadvantaged regions within China.

The number of Temple-educated Chinese lawyers is impressive and important. Temple has educated a substantial core community of influential Chinese lawyers who have a deep understanding of the fundamental principles of the rule of law such as transparency, due process, accountability, and high ethical standards. They will carry these ideas with them as their careers mature.

Temple is constantly seeking out lawyers who work in NGOs and public interest work to admit to the LL.M. program. Among our current students: Tu Lijuan is an experienced human rights advocate, having worked for the Domestic Violence Network; Shui Miao is a drafter with the Legislative Affairs Office of the National People's Congress; and Xue-Dan is the Director of Training for the State Intellectual Property Organization. Jiefeng Lu, a protégé of the famous anti-discrimination lawyer, Professor Zhou Wei, worked on cutting-edge employment discrimination cases in China, plans to become an activist-scholar in discrimination law.

Four LL.M. students from the public sector, including two law professors, one official with the Legislative Affairs Office of the State Council, and one official with the Ministry of Justice (All China Lawyers Association), participated in a one month internship at Reed Smith. Their experience culminated in mock trial before Senior Circuit Judge Edward Becker of the U.S. Third Circuit Court of Appeals. The fact pattern simulated that of *Kelo vs. New London*, the controversial property rights case involving the government taking of private property for private economic development. The students will take this knowledge on the U.S. law of condemnation back to China, where the similar issue of confiscation of private property is a sensitive issue that requires public participation and commentary.

Each year Temple makes efforts to locate law professors to attend the LL.M. program. To date, we have educated 19 law professors, including seven during the term of this grant. We know that these professors are incorporating what they have learned into their courses in Chinese law schools, thereby having a direct impact on what is being taught and, perhaps more importantly, how it is being taught. As a result, a new generation of Chinese lawyers will be able to critically examine Chinese law and be exposed to principles of U.S. law.

Class of 2006 Beijing LL.M. student and Professor Meng Yanbei teaches antitrust at Renmin University. She reports that her Temple education directly influences her teaching and scholarship—and how she assesses her students. Meng took antitrust with Professor Burton Caine in the fall of 2005 and learned how to analyze cases from different angles and appreciate how judges with different opinions set forth their legal reasoning, and synthesize the law. The class discussions often focused on how cases differ and overlap, creating a living body of law, thus providing Meng with greater insight into the law and how it should be taught. Prior to her Temple education, she read antitrust and anticompetitive law materials through translation into Chinese, but now she reads the original source materials in English. She said that many translated ma-

terials are imprecise or misleading, and her improved English abilities allow her to teach more competently about U.S. sources of law. She also provides English case materials to her students, explaining to them that it is better to work hard at reading the original cases rather than fall back on translations.

On March 7, 2006, we observed Meng's fourth-year undergraduate law school anticompetition law class at Renmin University. She arranges in advance for students to discuss various topics and have them lead discussions using Power Point. In the class we observed, the student made a series of creative arguments in an effort to categorize the various forms of anticompetitive behavior, and Meng made comments to supplement the student points while also stimulating class discussion to help the presenter clarify her ideas. She also encouraged the students to think creatively about the law, how a court may consider public policy in making decisions, and to take a more active role in their learning.

The impact of any program its demonstrated by its graduates and what they do with their education. Our alumni report that they are profoundly affected by their education. The following anecdotal stories—from a judge who published a book on how to cite legal authority and rationales in judicial opinions; a prosecutor who writes the standards for the Beijing People's Procuratorate stressing prosecutorial restraint; and a teacher who uses advocacy techniques in the courtroom and classroom—all illustrate the varied ways Temple graduates are using their education to promote the rule of law in China.

Mr. Feng Wensheng is the deputy director of the research and policy division of the Supreme People's Court of Hebei Province. Judge Feng graduated from the Temple Beijing LL.M. program in 2003 and is now responsible for drafting internal court procedures for all courts in the province—with emphasis on judicial conduct. He continually focuses on matters regarding judicial neutrality and the role of the judge to seek truth from the facts before making any legal determinations. His Temple experience also enabled him to publish "Reasoning and Annotations" (Law Press: 2005), in which Judge Feng draws on principles of U.S. and international law to create a model for Chinese judicial rationale drafting.

Mr. Chang Guofeng is the Director of the Discipline and Guidance division of the Beijing People's Procuratorate. Mr. Chang graduated from the Temple Beijing LL.M. program in 2004 and is responsible for writing policy directives that are distributed to the entire Beijing procuratorial system. He reports that his Temple education gave him a stronger view of prosecutorial restraint, and his directives reflect the spirit that the role of prosecutors is to vigorously represent the interests of the state without trampling the rights of the defendant. His directives include strategies and suggestions for prosecutors to take a middle course when carrying out investigations and prosecutions, as the larger interest of the state is not just to convict the guilty but to ensure a fair trial and accurate result for all participants.

Ms. Shen Jia is a professor of law at Beijing City University and 2005 graduate of the Beijing LL.M. program. Professor Shen reports in a recent e-mail:

"To be frank, I am proud of what I have learned from Beijing LL.M. program . . . Just think, two years ago, I knew nothing about common law system, not to mention trial advocacy. But now I can stand in front of a judge trying to persuade the court what I've got to say. I know what the judge wants from me by asking those questions, so I can turn them into advocating for our side. It's

because of the help from all Temple professors . . . that made all these things possible."

Professor Shen teaches a U.S. common law course at Beijing City University. She now provides a fresh and updated teaching presentation to her students using strategies similar to those employed in her Temple trial advocacy class. Her teaching will inspire students to take a greater interest in the importance of transparent laws and effective advocacy trial practice.

Non-degree judicial education program

Temple has had a partnership with the National Judicial Training College of the Supreme People's Court to operate a non-degree judicial education program since 2002. Associate Chief Justice Cao Jianmin personally oversees the program and meets with Dean Robert Reinstein each year to discuss progress and future collaboration.

The program consists of a three-month Introduction to the U.S. Legal System course at the National Judicial College of the Supreme People's Court, followed by a concentrated four-week program in the United States. As part of the U.S. module, participants attend a three-week session on the role of the judiciary in a rule-of-law based legal system at New York University School of Law's Institute for Judicial Training. The judges also visit the Temple main campus in Philadelphia for a discussion on judicial review hosted by Dean Reinstein. Moreover, they visit Washington, D.C., meeting with their American judicial colleagues, the Department of Justice, and other legal institutions.

The Judicial Education Program was created primarily to educate those judges who could benefit from some exposure to U.S. and international law, but could not enter the LL.M. program due to work commitments. To date, 138 judges have completed or are participating in the program.

Participants are from geographically diverse parts of China, including many judges from lesser-developed Western regions. Temple maintains records on program participants and has integrated the judges into the Temple Alumni Association of China.

Judge Li Xinfang of the No.1 Civil Chamber of the Zhanjiang Intermediate Court, Guangdong Province, reports that the Introduction to U.S. Legal System course and one-month session in the United States in 2005 has greatly expanded the scope of resources she now uses to decide cases. In particular, her visits to courts and interaction with colleagues in the United States provided her a fresh perspective on dispute resolution while underscoring the use of due process and transparent norms as the guiding principle for all judicial action.

Previous program participants report that their Temple education allows them to exercise greater influence in their home courts. The judges emphasize that they are often asked to share information from their Temple training with their colleagues at staff meetings and through written reports. Their Temple experience also allows them to answer individual questions for colleagues who must resolve an issue currently unsettled under Chinese law but that may have common practice in the United States. Judges state that this multiplier effect allows their Temple education to carry tremendous weight and influence in courts well beyond the training of one individual judge.

Past Judicial Education Program participants also emphasize the long-term value of the program.

Mr. Bai Zongzhao is a judge on the Supreme People's Court of Sichuan Province. He participated in the 2003 Judicial Education Program and then graduated from the

Temple Beijing LLM program in 2004. He is now the deputy director of the high court's criminal division. Judge Bai has indicated, in a 2005 interview, that his Temple education provided him with a profound sense of substantive knowledge and court procedure. When he is the presiding judge in a case, he now holds a pre-trial hearing and instructs the prosecutors and defense attorneys on more efficient court practice-skills Judge Bai says he learned in his Temple trial advocacy class. He informs counsel that the purpose of the hearing is to resolve questions the judges have about the weak points of the cases, and not simply to recite the written pleadings. Judge Bai insists that creating a more adversarial-style hearing allows him to ask more detailed questions and arrive at a more legally accurate conclusion. Overall, he concludes that the Temple program positively affects graduates' way of thinking about law, with greater adherence to law and procedure, and will pay long-term dividends in China's legal culture.

Temple and the National Judicial College remain very satisfied with the educational experience and the progress of our graduates. This year we have added an additional course in Civil Procedure to the Beijing portion of the program.

The National Judicial College has recently agreed to conduct a joint survey with Temple of all judges who have attended the program with the specific goal determining what has been most useful to our participants. We will likely use our findings as a basis to refine the curriculum.

Non-degree prosecutorial education program

In 2002 the Supreme People's Procuratorate invited Temple to create a non-degree prosecutor education program modeled on our successful partnership with the Supreme People's Court. In December 2005, the second prosecutorial education program was held in Beijing, Philadelphia and Washington, D.C.

Seasoned and well-reputed Temple faculty delivered sessions on search and seizure protections, pre-arrest warnings, jury trial procedures, and proper police practices in collecting evidence. To supplement the faculty discussions, Temple was fortunate to procure the enthusiastic participation of the U.S. Attorney's Office in Philadelphia as well as the Department of Justice in Washington DC. Investigators from the Federal Bureau of Investigation in both cities also took part. Experienced U.S. prosecutors and FBI agents delivered sessions on motion practice, importance of defense lawyers, and strategies for combating official corruption.

An underlying strategy of the Temple program was to underscore the importance of due process and transparent norms at all stages of criminal investigation and prosecution. Mr. Xu Yanping, Vice President of the Shanghai Pudong District Procuratorate, served as group leader and provided continual feedback to the program directors. He continually remarked how the program impressed upon the participants the depth and scope of U.S.-style protections, the tremendous knowledge of the faculty and practitioners, and the importance of an open and transparent system. This combination of factors will influence the prosecutors to carry out their own laws with fairness as well as to continually bring themselves to higher levels of professional excellence.

In a follow-up interview with Mr. Xu in Shanghai in February 2006, he underscored the value to him of his participation in the program, particularly how the material now provides him a new frame of reference in making decisions in his current job.

Similarly, Bian Fei, a participant in the 2003 program, reported that his superiors

asked him to do a presentation on the information he acquired from the program to 100 of his peers upon his return. Some of the ideas were subsequently used in an office re-organization plan.

Participants reported that the training program was well-run and extremely beneficial to their professional development. They underscored that many areas of their prosecutorial practice, particularly criminal procedure, are still being developed in China—and that understanding of U.S. practice helps to fill certain gaps. Some participants were trial prosecutors, others were administrators and prosecutorial researchers, so the multiplier effect of training one person will also carry weight in various levels of the Chinese prosecutorial system.

As part of Temple's overall plan to create a community of U.S.-educated legal professionals, participants have been fully integrated into the Temple Law Alumni Association of China.

By all accounts, this program is effective and highly valued by the Supreme People's Procuratorate. Unfortunately, this program's funding was cut from the current year's grant.

Outreach to ethnic minorities in China

Temple is committed to identifying and supporting minority students in our programs, and we aggressively recruit qualified minority students, particularly from the Western regions of China. Our partner organizations in China have indicated that further development of the Western regions of China is critical to the overall stability of China's legal system, and so Temple has created a minority outreach program to educate students who have the social commitment to return to their home regions and carry out rule-of-law reforms in less-developed areas.

Temple has an extraordinary record of success in educating qualified minorities with a law degree—a rare commodity. Temple's reputation is so well-known that minority students are beginning to refer their friends to the program.

To date, 29 ethnic minorities have either graduated from or are currently attending our LL.M. program. Thirteen minority graduates now work in the public sector: four are judges, three are prosecutors, and one works at the State Council. Four graduates are law professors, currently teaching at the laws schools of Central University for Nationalities, Zhengzhou University, and Sichuan University. The LL.M. program has educated nine Tibetans, eight Huis, three Manchurians, two Mongolians, and one each Kazak, Li, Miao, Tujia, Uyghur, Yi, and Zhuang.

As part of our partnership with the Central University for Nationalities, Temple has supported Mr. Kalsang Tsering. Mr. Tsering is an ethnic Tibetan who studied English in Temple's Intensive English Language Program for two years. Upon his graduation from Temple in May 2006, returned to Tibet to work with the Tibet Hengfeng Law Firm to provide legal services to the Tibetan community. Mr. Tsering states that his Temple education will help him to provide access to justice for more Tibetans while also assisting in facilitating foreign investment in Tibet. He also feels a social obligation to serve his community, and he ultimately hopes to work both as a lawyer and law lecturer at newly-created law department at Tibet University.

Kalsang studied international human rights course and wrote a scholarly paper on how the Chinese government can take additional action to protect Tibetan language rights and establish a bilingual system in Tibetan regions.

CONCLUSION

We are gratified by the accomplishments of Temple's rule of law projects in China.

Temple's programs are making tangible contributions to China in its ongoing process of developing a credible legal system. It is an honor and a privilege to be entrusted with such an important job by the Department of State.

MY VIEW OF THE TEMPLE/Tsinghua LLM PROGRAM

SENATOR SPECTER: I am greatly honored for this opportunity to express my view of the Temple/Tsinghua Program by writing a letter to you.

First of all, heartiest thanks to you for your brief and instructive speech to us students of the program during your visit to China. Among the students, I was the luckiest person to have had the chance to answer your inquiry about the protection of the rights related to the accused persons in China. In my opinion, there are many differences between America and China on this issue, and the reasons are quite complicated.

Politically speaking, China has a more than 2000 years history of feudalism which is characteristic of autocracy, that is to say, we have a strong tradition to give more than enough belief and reliance to the government to decide whether a person is guilty or not. Even though we are trying to apply modern criminal procedure strictly to protect the legal rights of accused persons, the phenomenon of disregarding the suspects' legal rights still exists. More time is needed to change, and I hope the sooner the better.

Judicially speaking, we have used the standard of the presumption of guilt for many years, as it was hard to believe that a person could be innocent when he/she was accused of a crime in the past. From 1997, we began to apply a new standard of the presumption of innocence, however, in reality, we could not completely remove the influence of the old notion. I am sure things will change with the development of law in China.

Economically speaking, we have been focusing more on economic development than on social justice. Sometimes we do not have time to pay attention to the legal rights of accused persons. But now we have put forward the social object of justice, which no legal right can be ignored, nor can be the accused persons' legal rights.

As far as I know, the difference about the protection of the rights of the accused persons between America and China is so large that it is usually difficult for us to understand and agree with each other. Personally speaking, I think that America may give too much protection to the accused person, which is not very often good for the control of crime, and that China may pay too much attention to social stability and economic development, which sometimes sacrifices the accused persons' legal rights. Therefore, the two countries can make efforts to find common ground through communication. This program will surely enhance the mutual understanding of each other's legal systems.

I also know that it is your instrumental role in promoting this program that makes the judicial communication between America and China so specific and effective. All the students of the program have benefitted a lot from the program, and we will play a fundamental role in the legal communication between America and China.

Once again thanks for your continued attention to the program and to us students. We will try our best to study in the program. I am looking forward to hearing your thoughts on this matter.

Yours sincerely,

FENG ZHAOJIU/THOMAS,
Student of LL.M of Temple/Tsinghua.

MY IMPRESSION OF THE TEMPLE/Tsinghua
PROGRAM

SENATOR SPECTER: First of all thanks for your supports to the program and meeting with us!

The exchange and cooperation between Temple University and Tsinghua University law school is very valuable. It provides a good platform for Chinese judges, prosecutors, attorneys, and government officials to understand the legal system of the United States. The Master of Laws Program of Temple/Tsinghua University provides legal education that causes fruitful development in China. It opens a window for us to use the advanced legal system of the United States for references.

I come from the Dongying Intermediate Court of Shandong Province. I have been working as a criminal judge for six years, hearing more than 150 cases. I chose to attend this program with the encouragement of my American teachers when I studied in National Judicial College this year. What impressed me most is their patience and responsibility!

As to this program, I wish that it could contain more hands-on practical training, so that it could be even more efficient and valuable to us. In addition, I wish we can be given more lectures by American judges, prosecutors, and government officials; this will provide us additional information to help us carry out our jobs as judges in China.

Finally, this program is a big challenge to me because English is not my native language, and America's legal culture is very different from China's legal culture. I will do my best to achieve my goal in the program, meanwhile I wish I can obtain more help. I know it is only beginning, even if I can survive the LLM program! My dream is to become an excellent judge. In the future, I wish I can do some beneficial work for judicial exchange and cooperation between China and the United States.

CHEN LITIAN,

*Graduate of the LLM of Temple/Tsinghua
University.*

August 24, 2006.

DEAR SENATOR SPECTER: I am very pleased to write this letter to you. I truly admire you for your abundant experience and your contribution to the judicial relationship between the United States and China. Your excellent and useful lecture impressed me deeply.

I am a young female Chinese judge of Bayannaor Intermediate Court in Inner Mongolia. I was appointed to the judiciary in March 1997.

I am very lucky to have this good opportunity to take part in Temple/Tsinghua LLM program. First of all, it is very convenient for Chinese law practitioners to learn the legal system of the United States at Tsinghua, which is a famous university in China, and then spend two months at Temple University in Philadelphia. We really appreciate the financial aid supplied by the American government. Secondly, the program has opened a broad vision for us to master the American legal system in such a short time with the help of American law professors. Thirdly, the "checks and balances" principle of the American legal system causes us to reconsider our own legal system, as it is also very helpful as a model for Chinese judicial reform.

As a judge, I have handled over 200 cases including both civil cases and criminal cases. In dealing with cases, I have found many problems which need to be solved in the Chinese legal system, although there has been progress: such as when police officers question suspects in the investigation process,

and when lawyers or records are needed. We have absorbed American due process theory and set up a similar system. However, other problems need to be solved. For instance, there is only one Civil Code and one Civil Procedure Law in China. All judges apply the same law, but different judges make different decisions on similar factual matters. The parties cannot understand the results. I was taught some the fundamentals of U.S. law and the legal system by professors of Temple University. I found the interaction very useful to help me solve legal problems in my own practice. The Supreme People's Court of China should set up some cases system to instruct judges in applying new laws and principles.

I believe this study experience in Temple University will bring me great success in my future career.

Sincerely,

WEI XIAOXIA.

TSINGHUA UNIVERSITY BEIJING.

August 20, 2006

HON. SENATOR SPECTER: I do appreciate your visit! Thank you very much for your care and support for our program!

I have been engaged in civil case trials for 15 years in the Fujian Province High People's Court. I first worked in the civil division for 11 years, and now work in supervision division. It is my honor to enter the LLM of Temple University at Tsinghua University.

The function of the judge in the civil law and common law systems is different. However, the role of Chinese judges is undergoing change with the development of China. Judges no longer apply law mechanically. We are realizing the transformation of adapting the letter of the law to social reality and demands. No judge acquires the wisdom to apply laws without long-term study and practice. The judicial system based on case law is the essential element of American law. This is just what we should learn and refer to. So never can we learn the extensive and profound American law without the knowledge of a specific case and its process. So we need this opportunity to learn.

Although I have rich work experience and profound basis of legal theory, I wish to enlarge my scope of knowledge, to acquire more knowledge of the U.S. legal system, by taking advantage of this opportunity. I also want to improve my knowledge base in order to excel in my duties as a judge in the future.

Thank you again!

Yours faithfully,

ZHAO, YUMEI.

DEAR SENATOR SPECTER: I am glad to have attended the meeting in which I met with you in Beijing on July 11th. It is a great honor for me to further discuss with you the topic of the Temple Program's value to strengthen the cooperation and communication between the Sino-US legal systems.

I am the deputy presiding judge of the No. 1 Civil Tribunal (trial of civil cases, mainly including real estate, tort, contract, and domestic relations) of the Intermediate People's Court of Wuxi City, Jiangsu Province. I began my judicial career in the court since I graduated from China University of Political Science & Law in Beijing in 1994. During that same year, I passed the National Lawyer's Qualification Exam. I have worked as a clerk, an assistant judge, and a judge in the same court for more than 12 years. In 2004, I passed the entrance exam of Juris Master Degree in Pudun University (located in Shanghai, 126 kilometres away from Wuxi City) with the third highest score and am pursuing that degree part time.

Since 1999, I have been engaged in the trial of tort, contract, intellectual property,

bankruptcy, and commercial matters involving foreign aspects as a judge in my court. In 2004, I become a presiding judge through tough competition. At present, all the cases which I was the main judge and wrote judicial opinions for have exceeded 370, not including those which I took part in as a member of the panel or a presiding judge.

Through my resume, you can imagine how challenging and exciting the job is. I am strongly interested in the practical trial of cases while I deeply know the importance of legal research beside the overload of the job. I like to read valuable treatises and communicate with other outstanding judges and some scholars to broaden my eyesight.

On Feb. 2006, I was selected to attend the program of training judges co-sponsored by the P.R. China Judicial College and Temple University. It is a good opportunity to obtain an international view over the Chinese legal system and jump out from the busy daily work to think about what I can do to improve it.

This three-month training course is very impressive. As one of the monitors of the training course, I fully noticed that all the professors in the group treated the job seriously and devoted their extra efforts to adapt to our critical judges. For example, Professor Melindah Bush, the group leader, was so popular that she approved our request for her to give more lectures every weekend and kept doing it from the first beginning till the last end. She also invited some experienced and smart personal friends to give us extra and helpful lectures, all at which exceeded the duty she must do and showed the program's friendliness and flexibility to adapt to our needs. Another example is Professor Peter Castagnaro, an expert in linguistics, who tried to convince us, mostly in our thirties or forties, to commence a scientific new style to learn English as a foreign language, which proved to be very effective. He even brought A4 paper for us to do homework when he heard we talked about the inconvenience to buy it. Surely the result of the training course manifested that their works brought us so many new ideas and was so successful that all the judges requested the program to be extended as long as possible until most of them must go to New York for the next stage training course. We were very grateful to see the request had been met again.

For my individual point of view, I acquired a general idea of American legal system from the judges training program. Different with an American attorney's emphasis on the distinction between Sino-US legal systems, whose lecture pointed out more than 10 differences, I found more important the common points between the two legal systems and arrived at a conclusion that doing further research about US legal system will be very helpful to improve our own legal system. As a judge, I prefer to avoid to arrive at any hasty decisions. But the extremely effective training program is a powerful supporting evidence to encourage me to apply for attending the Temple-Tsinghua LLM Program. I believe the precious opportunity will be beneficial to enhance my judicial ability and enable me to share new knowledge with other Chinese judges. I hope I can make full use of the time in the LLM program, learn new and practical ideas as much as possible to improve my court's judicial reform, and become familiar with the American culture and promote the communication and understanding between the people.

Finally, I shall express my deepest thanks to your kind support and serious concern with the program which provides such an effective way for me to learn something valuable to improve our judicial work and

strengthen the understanding of US legal system.

Yours sincerely,

SHEN DONGEMI,
Judge of the Intermediate People's Court of
Wuxi City, Jiangsu Province, P.R. China.

EXECUTIVE CALENDAR

NOMINATION OF KIMBERLY ANN MOORE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will proceed to executive session to consider the nomination of Kimberly Ann Moore, of Virginia, which the clerk will report.

The assistant legislative clerk read the nomination of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided.

Mr. LEAHY. If the Senator will yield, after the Senator from Pennsylvania uses whatever period of time he wants, or yields to another, there is half an hour available to the Senator from Vermont; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Madam President, I urge my colleagues to confirm Professor Kimberly Ann Moore for the U.S. Court of Appeals for the Federal Circuit. Professor Moore has an outstanding academic background. She has a bachelor of science from Massachusetts Institute of Technology, 1990; a master of science from MIT, 1991; and a law degree from the Georgetown University Law Center, cum laude, 1994.

She was an associate at the prestigious law firm of Kirkland & Ellis from 1994 to 1995. In 1995, Professor Moore became a law clerk to Judge Glen Archer, chief judge of the U.S. Court of Appeals for the Federal Circuit, serving from 1995 to 1997. Following her 2-year clerkship, she was an associate professor of law at Chicago-Kent College of Law, from 1997 to 1999. She was an assistant professor of law at the University of Maryland School of Law, from 1999 to 2000 and an intellectual property litigation counsel for Morgan, Lewis & Bockius from 2000 to 2003. From 2000–2004, she was an associate professor of law at George Mason University School of Law, before assuming her current position as Professor of Law at George Mason.

Professor Moore is a board member of the Federal Circuit Bar Association; a board member of Patent Strategy & Management; and a board member of Intellectual Property Owners Education Foundation.

I ask unanimous consent a full copy of her résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KIMBERLY ANN MOORE

UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT

Birth

June 15, 1968, Baltimore, Maryland.

Legal Residence

Virginia.

Education

B.S., 1990, Massachusetts Institute of Technology.

M.S., 1991, Massachusetts Institute of Technology.

J.D., Cum Laude, 1994, Georgetown University Law Center.

Employment

Associate, Kirkland & Ellis, 1994–1995.

Law Clerk, Judge Glenn L. Archer, Chief Judge of the U.S. Court of Appeals for the Federal Circuit, 1995–1997.

Assistant Professor of Law, Chicago-Kent College of Law, 1997–1999.

Assistant Professor of Law, University of Maryland School of Law, 1999–2000.

Intellectual Property Litigation Counsel, Morgan, Lewis & Bockius, 2000–2003.

Associate Professor, George Mason University School of Law, 2000–2004.

Professor of Law, George Mason University School of Law, 2004–present.

Selected Activities

Board Member, Federal Circuit Bar Association, 1999–present.

Board Member, Patent Strategy & Management, 2001–present.

Board Member, Intellectual Property Owners Education Foundation, 2005–present.

Board Member, CPR Institute for Dispute Resolution, Judicial Subcommittee, 2003–present.

Member, Georgetown Patent Institute Advisory Board.

Member, Federalist Society.

Member, American Bar Association.

Member, American Intellectual Property Law Association.

Member, Maryland Bar Association.

Mr. SPECTER. She has the potential to make an outstanding judge. I urge my colleagues to vote to confirm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I concur with the senior Senator from Pennsylvania and will support the President's nominee in this case. I mention that at the outset to advise Senators on this side of the aisle.

I also welcome the distinguished Senator back from his trip. It sounds like it was a substantial trip. I spent August in Vermont, a matter of no great sacrifice I must say, but nevertheless a very busy month.

That made me think, Madam President, when we returned today from recess, we have less than 4 weeks remaining in this legislative session. With so little time remaining, I hope we can join to make real progress on the issues that have languished unresolved, the real issues that matter most to the American people. We spend a lot of time talking about issues that really do not matter to the American people and ignoring those issues that do.

I urge the administration and the Republican leadership of the House and Senate to recognize the failures that have set us back as a nation. We are

ready to work together to rectify those failures.

Secretary Rumsfeld and Vice President CHENEY struck the absolute wrong note when they recently labeled as “appeasers” the majority of Americans who recognize the disastrous war in Iraq as distracting them from winning the war on terror. Basically, they are saying anyone who questions their mistakes or points out their mistakes is nearly treasonous. My God, we have not heard talk like that since the days of King George. And that led to the revolution that made us a country.

Again, this week, the Democratic leadership reached out to the President on this important issue. Rather than name-calling and seeking to divide Americans, rather than fostering fear and seeking to scare Americans into staying the disastrous course on which the Government remains headed, I urge Republican leaders to join to fight a smarter war on terror so we can make America safer.

The cronyism, the incompetence that brought us the devastating aftermath of Hurricane Katrina cannot continue to define Government action. With more Americans in poverty, and extreme poverty, with more children without health care, we must do better. America can do better.

With rising interest rates, rising mortgage rates, rising health care costs, rising insurance costs, we must do better for America's working families. America can do better.

While corporate profits have taken a greater and greater share of our gross national product, wages are stagnant. Those in charge refuse to allow a long overdue raise to the minimum wage. We have just come through a summer of record-high gas prices. For many families, the threat of record-high home heating prices this winter is around the corner. Yet this will be another year in which this administration will not raise the minimum wage.

As we approach the fifth anniversary of the attacks of September 11, 2001, we are more aware of the painful failure of the Federal Government in neglecting to protect the Nation from those attacks. September 11 could have been avoided. Our Government dropped the ball. We did not protect the Nation. In these last 5 years, the administration's decision to send hundreds of thousands of Americans into Iraq, diverting attention and resources from the hunt for Osama bin Laden and the fight against al-Qaida—those loom largest among the many mistakes they have made which have created a more dangerous and threatening world.

How sad, how discouraging, how needless, and how ominous it has been the past 5 years to see the national and international unity we had after those horrific attacks squandered by this administration's crass politics, their arrogant unilateralism, their misguided policies.

It was around the time of the second anniversary of September 11 that Defense Secretary Rumsfeld put his finger